

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

REGINA M. HUNTER EL,

Plaintiff,

v.

THE COMMITTEE OF BAR EXAMINERS  
OF THE STATE BAR OF CALIFORNIA,  
et al.,

Defendants.

Case No. [18-cv-06585-HSG](#)

**ORDER DENYING MOTION FOR  
RELIEF**

Re: Dkt. No. 17

Pending before the Court is Plaintiff Regina M. Hunter El's ("Hunter El") motion under Federal Rules of Civil Procedure 60(a) and 60(b)(1) to withdraw the dismissal of her suit. *See* Dkt. No. 17 ("Mot."). Because Ms. Hunter El has failed to comply with multiple orders and deadlines of the Court and has not stated a cognizable claim, the Court **DENIES** the motion.

Ms. Hunter El, proceeding pro se, initially filed her complaint on October 26, 2018, alleging that Defendants the Committee of Bar Examiners of the State Bar of California, Betsy DeVos, in her official capacity as Secretary of the United States Department of Education, and the Office of Federal Student Aid violated her rights under the Fifth and Fourteenth Amendments, the Equal Education Opportunity Act of 1974, the Higher Education Act of 1965, and the Americans with Disabilities Act of 1990. *See* Complaint, Dkt. No. 1. Ms. Hunter El also filed an "affidavit of financial statement," which Magistrate Judge Beeler construed as an application for leave to proceed in forma pauperis. *See* Dkt. No. 5. Judge Beeler ordered Ms. Hunter El to either comply with the requirements for filing in forma pauperis or to pay the filing fee and gave her two weeks to do so. *See id.*

After Ms. Hunter El missed this deadline, Judge Beeler ordered her to show cause why the

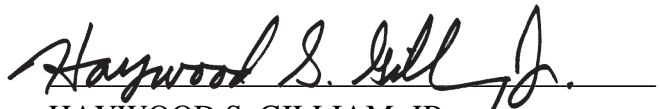
1 case should not be dismissed. *See* Dkt. No. 7. A day after the order to show cause was due, Ms.  
2 Hunter El filed a motion for extension of time, *see* Dkt. No. 10, which was granted on December  
3 7, 2018, *see* Dkt. No. 11. Again, Judge Beeler ordered Ms. Hunter El to either explain why she  
4 should be excused from paying the civil-case filing fee or, if she were applying for leave to  
5 proceed in forma pauperis, why she should be excused from the requirement to disclose her  
6 income or assets. *See* Dkt. No. 11. Judge Beeler warned that failure to comply may result in her  
7 complaint being dismissed. *See id.* at 7.

8 After Ms. Hunter El failed to respond, Judge Beeler issued a report and recommendation  
9 to dismiss the complaint, finding that Ms. Hunter El had not paid the civil-case filing fee, had not  
10 filed a proper application to proceed in forma pauperis, missed repeated court deadlines, and had  
11 failed to state a cognizable claim. *See* Dkt. No. 13 at 2. After no objections were filed, the Court  
12 adopted the report and recommendation and dismissed the case on January 29, 2019. *See* Dkt. No.  
13 16.

14 Nearly six weeks later, Ms. Hunter El filed the instant motion for relief from the Court's  
15 dismissal order. *See* Mot. Ms. Hunter El claims that she filed an extension of time to respond to  
16 Judge Beeler's report and recommendation, which she says was delivered to the Clerk of Court's  
17 office on January 17, 2019. *See id.* at 3. However, even crediting Ms. Hunter El's version of the  
18 events, there is no basis on which to provide Rule 60 relief. Ms. Hunter El's request for extension  
19 of time to respond was 13 days overdue, even by her own telling. Moreover, in addition to  
20 repeatedly missing court deadlines, Ms. Hunter El has not paid the civil-case filing fee and has not  
21 properly applied for leave to proceed in forma pauperis. Nor has she stated a cognizable claim in  
22 her complaint. Accordingly, the Court finds that there is no basis upon which to grant relief from  
23 its order of dismissal and **DENIES** the motion.

24 **IT IS SO ORDERED.**

25 Dated: 4/8/2019

26   
27 HAYWOOD S. GILLIAM, JR.  
28 United States District Judge